

**MEETING 27 July 10**

At a Regular Meeting of the Madison County Board of Supervisors on  
July 12, 2007 at 3:00 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: James L. Arrington, Vice-Chairman  
William L. Crigler, Member  
Bob Miller, Member  
Clark Powers, Member  
V. R. Shackelford, III, County Attorney.  
Lisa R. Kelley, County Administrator  
Jacqueline S. Frye, Secretary

ABSENT: Eddie Dean, Chairman

Vice-Chairman, James L. Arrington called the meeting to order and  
announced that Chairman, Eddie Dean would be absent from today's session.

**IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION**

Don Gore, Resident Engineer, was present and stated the first round of  
mowing has been completed – second phase will begin shortly; request has been made for  
a study of Routes 230, 687 and 231; plant mix schedule has begun; correspondence was  
received that indicated it is not unlawful for trucks to use “jake brakes” on Route 29 and  
Route 634 and this is not considered to be a traffic issue nor is this factor enforced by the  
Virginia State Police.

Don Gore also reported he is awaiting a project number to be assigned to  
Route 702 – this information will be forwarded to Lisa Kelley, County Administrator,  
once it has been received; he also advised that surface treatment has been initiated (i.e.  
tar/gravel) and should be completed within the next two (2) to three (3) weeks; the  
Madison Main Street Project is winding down and a walk through will need to be  
initiated by the Virginia Department of Transportation; also there has been no response  
received regarding the set of plans forwarded from Madison Parks & Recreation for the  
roadway at the recreation fields – will need to receive input before this request can move  
forward.

Don Gore stated he met with representatives to discuss the intersection at  
Shelby (Route 662) – comments based on the analysis suggested a short-term initiative

include the placement of advanced hazard flashes to suggest an advisory speed of 55 mph – will also add two (2) sets of rumble strips in the northbound and southbound lanes on Route 29.

Don Gore also advised that Stan Berns of Etlan, Virginia has requested the speed limit in the Village of Etlan be decreased to 25 mph – the Virginia Department of Transportation has initiated a study and suggested the speed be set at 35 mph in the area; however, Mr. Burns has provided a request under the Freedom of Information Act and this information will be forwarded to him in a timely manner.

William L. Crigler verbalized concerns regarding the intersection at Shelby and stated some citizens have suggested that rumble strips be placed on the roadway that enters the area instead of Route 29; he feels the rumble strips on Route 29 will create a hazard to motorcycles traveling on the roadway.

Clark Powers stated he was in agreement with the suggestion that rumble strips be installed on the roadway coming from Wolfstown rather than at Shelby; he also suggested the least expensive option be utilized (i.e. rumble strips/stop bars as opposed to a traffic light).

Don Gore stated he will speak with the Traffic Engineer and express concerns as presented today.

Bob Miller verbalized concerns about Route 702 and whether any access information was received; additionally, he stated the County is still waiting to raise the access poles for the sewer.

Don Gore stated he will contact a representative from the Rapidan Service Authority

Vice-Chairman, James L. Arrington stated that Mr. Burns was present at today's meeting to express some concerns to Don Gore.

Mr. Burns explained he fully respects the engineering work the Virginia Department of Transportation does for the County; however, he feels the yellow signs that have been installed in Etlan, Virginia are "suggestive only" and feels the signage should be white in color to fully enforce the established law; second, he presented concerns about the blind curve that is south of the Village of Etlan that has a 55 mph zone – he feels this should be decreased to 45 mph as a result of the blind curve. He stated he

has tried to broaden the scope of his concerns and has provided a copy of his concern to the Madison County School Board and the Commissioner of Transportation – he stated he has also forwarded a FOIA (Freedom of Information Act) request to the Virginia Department of Transportation regarding the decision that resulted in a speed limit reduction in the vicinity of Woodville, Virginia (35 mph) and why the same cannot be done in the Village of Etlan, Virginia.

Vice-Chairman, James L. Arrington asked Don Gore if he could provide some insight as to the color of the signage.

Don Gore provided some insight as to the signage utilized by the Virginia Department of Transportation and also stated he plans to advise the Traffic Engineer to look into the “blind” curve when determining the speed reduction.

Mr. Burns stated when he is driving and comes upon a black/white sign, he knows the speed limit listed is enforceable by law; however, a yellow/black sign denotes a suggested safe speed but really has no legal barring should a driver choose not to obey the speed as denoted. He stated a “suggested” speed in the Village of Etlan poses a different situation as a result of the activity in the area – he suggested the legal speed limit be reduced to 35 mph instead of a “rational suggestion” for drivers to simply “slow down.” He stated there are times when there is very little traffic passing through the Village of Etlan and again, there are times when there are several large trucks, buses, and private vehicles that travel through the locality.

Vice-Chairman, James L. Arrington asked Mr. Burns if it would be possible if he and Don Gore could discuss this issue and settle on a resolve, to which Mr. Burns stated could be accomplished.

Don Gore stated he believed the report that was completed pertaining to the proposed speed reduction in Etlan denoted that 45 mph was a safe speed.

Mr. Burns stated the study was performed at a time where there was not much activity in the locality; although there are several times when this is correct, there are also plenty of times when there is a lot of activity – he felt a study should be performed during a time when there is a lot of activity in the area.

## IN RE: PAYROLL & CLAIMS & SUPPLEMENTAL APPROPRIATIONS

Vice-Chairman, James L. Arrington, asked if there were any concerns about the Payroll & Claims Report as presented.

After discussion, on motion of William L. Crigler, seconded by Bob Miller, the warrants issued in satisfaction of payroll for June 2007 (Checks #30110048 through #30110160 and electronic transfer #22) are hereby approved, with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

On motion of William L. Crigler, seconded by Bob Miller, the warrants issued in satisfaction of claims against the County for June 2007 (Checks #10125234 through #10125565) are hereby approved, with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

## IN RE: SUPPLEMENTAL APPROPRIATIONS

Vice-Chairman, James L. Arrington stated the following supplemental appropriations need to be approved by the Board:

1. Park & Recreation (funds deposited for Youth Sports) \$3,734.10
2. Park & Recreation (funds deposited for Health Fitness) \$ 250.00
3. Sheriff (reimb. for court ordered restitution – individual \$ 175.00  
busted out patrol car window and was ordered to pay restitution)  
#6009-31200
4. Rappahannock Juvenile Center \$3,692.00  
#5640-33402 (Detention Center neglected to send the County [during  
Budget preparation] a revised budget request to increase Madison  
County's share by \$3,692.00 [total share \$127,705.009]; their original  
Request was a "draft" request; the additional amount was derived after  
the Detention Center approved it's budget.

**TOTAL: \$7,851.10**

After discussion, on motion of Clark Powers, seconded by William L. Crigler, the Board approved the aforementioned supplemental appropriations totaling \$7,851.10, with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

#### **IN RE: BOND RELEASE REQUESTS**

Lisa Kelley, County Administrator, advised that a letter was received from Brian L. Duncan, Erosion & Sediment Control Administrator, pertaining to a bond release request presented by Evelyn Robbins for the construction of an office and warehouse; according to the letter, all site work has been completed and the site has been stabilized with permanent vegetation and the proper storm water structures as according to the erosion control plans.

After discussion, on motion of Bob Miller, seconded by Clark Powers, the Board approved the Bond Release Request for Evelyn Robbins as presented, with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

#### **IN RE: MADISON COUNTY SCHOOLS**

Vice-Chairman, James L. Arrington advised that Dr. Brenda Tanner, Superintendent, will not be in attendance today.

#### **IN RE: MADISON FACILITIES & MAINTENANCE**

Ross, Shifflett, Director of Facilities & Maintenance, provided an overview of the months activities; he also advised the Farmer's Market will be having a grand opening this coming Saturday and 4-H youth will have a booth to sell daylilies and refreshments; he also advised there will be a group of Madison youth participated during the upcoming week in Newport News, Virginia (8-year olds) to play sports on a state

level; the Madison County Fair will also be held during the upcoming week – several youth will participate in events taking place.

Ross Shifflett stated the Recycling Center at the Transfer Station has been rearranged and made safer for citizens to utilize the area; he also advised replacement of the air conditioning units is ongoing; lighting improvements will be initiated in the Judge's office.

William L. Crigler verbalized concerns about the plans that Don Gore of the Virginia Department of Transportation was asking about.

Ross Shifflett stated there has been correspondence with the Virginia Department about a slope – a meeting has been scheduled although there has been no future contact regarding how an adjustment can be accommodated with the roadway – he advised that grant funding can be provided in the event a parking lot is added; however, excavating will have to be initiated in order to perform the required work – a decision will be made as to the most feasible option for the County once a discussion has taken place with a proposed contractor – this information will be relayed onto Mr. Gore shortly.

James L. Arrington stated there were concerns made regarding whether trimming along the sidewalks in the Town of Madison was the responsibility of the County.

Ross Shifflett advised that when it is time for the annual parade, County maintenance staff try to trim along the sidewalks just before Independence Day events and also prior to the annual Madison County Parade.

Vice-Chairman, James L. Arrington advised that Tracey Williams, Tourism Director and Nan Coppedge, Director of Social Services will be absent from today's meeting.

## **IN RE: MADISON COUNTY E-911**

Robert Finks, E-911 Coordinator, provided the following report for the month of June, 2007: (522) E-911 calls; (326) from regular telephones; (196) from cellular phones; (39) alarm calls; (17) E-911 hang-up(s); (4) open lines; and (3) misdials; he thanked the Madison County Eagle for the front page article pertaining to the registration as a result of the False Alarm Ordinance; he advised that he also met with

representatives from state communications and they have initiated a study of the County's communications systems – he anticipates something will be forwarded to the County during October-December which will determine what techniques the County will need to pursue in the future.

William L. Crigler asked if there were any problems with the maintenance of the road signs.

Robert Finks advised there have been a few road signs to be overturned by vandals or during mowing; however, most have been re-installed in the original locations.

Bob Miller asked if the Gaar Mountain road sign was completely missing, to which Robert Finks stated has not been reported; will advise Roger Berry to replace the road sign.

Bob Miller asked what type of findings can be anticipated from the proposed study that is underway.

Robert Finks stated the FCC is requiring the localities begin utilizing the narrowband communications system; although it is certain the "800" system will not work effectively in Madison County and it is very costly, the Board and emergency services personnel though it was best that the County seek an alternative digital system that will also improve coverage (Motorola). He advised that since the County has to move toward narrow banding, it might be beneficial to utilize digital equipment in the same frequency range but change the system somewhat. He stated the study might recommend the current frequency be changed – two (2) studies will be performed (State of Virginia and Motorola) and a final decision will be based on what is attained in these studies.

In closing, he stated there have been discussions to change the frequencies and digital equipment will not be effected by such a change.

Bob Miller asked if there was a way to utilize the broadband internet infrastructure to accommodate communications transmissions with the impending new system.

Robert Finks advised the STAR system utilizes broadband for the data communications but not for voice communications.

In closing, Robert Finks stated there will be considerable cost associated with implementing a particular system that can accommodate both data and voice communications.

#### **IN RE: EMERGENCY MANAGEMENT SERVICES**

Carl Pumphrey, EMS Coordinator, provided a report of all activities for the month of June 2007 which documented projects, responses, training and meetings attended during the month; he stated the County is in compliance with the NIMS Program and also stated a representative from the Virginia Department of Emergency Management to attend the Emergency Advisory Meeting during this month to start coordinating a tabletop exercise within the community to discuss an emergency situation in Madison County.

#### **IN RE: MADISON COUNTY SHERIFF**

Erik Weaver provided the following report for the month of May 2007:

1. Total service calls: 783
2. Criminal arrests: 59
3. Civil process (warrants): 300
4. Days of court: 14
5. Animal Control service calls: 106

Erik Weaver, Sheriff, advised that several arrests have been made during the month on arson incidents that occurred between 2002 and 2007 involving two (2) barns, one (1) portable toilet, one (1) house and personal property, two (2) stolen vehicles and two (2) burned vehicles that took place in Madison County.



William L. Crigler asked if there has been any decrease in the number of cats picked up by Animal Control, to which Erik Weaver, Sheriff, replied “yes” – he stated this issue is also being address at the Madison Animal Shelter by Ross Shifflett, Director of Facilities & Maintenance.

#### **IN RE: IN RE: MADISON VOLUNTEER RESCUE SQUAD**

William L. Crigler provided the following report for June 2007:

- (42): Patient emergencies
- (3): Assists to EMS
- (2) Responded - cancelled
- (47): Total calls

William L. Crigler advised the total number of calls from January 1, 2007 through June 30, 2007 is 314.

#### **IN RE: MADISON EMERGENCY MEDICAL SERVICES**

Vice-Chairman, James L. Arrington advised that Lewis Jenkins, EMS Coordinator, will be absent from today’ meeting due to family illness – he provided the following report for June 2007:

1. Total calls toned: (99)
2. Total calls handled: (86)
3. Total calls no response: (13)  
[(10) Greene; (3) calls cancelled by 1<sup>st</sup> responders]
4. Average In-County response time to the scene: 10.4 minutes
5. Total Night calls handled: (21)

#### **IN RE: PUBLIC COMMENT**

Jim O’Reilly was present to follow up on a letter he submitted during the month of June regarding the Madison County Animal Control Ordinance and to resolve the issue of dogs running at large. He stated a black Labrador entered his yard and two (2) dogs charged at he and his wife while they were walking along the roadway in Madison County

Lisa Kelley, County Administrator, provided a brief overview of the County’s Ordinance and stated the current definition of an animal “running at large” is gleaned from the Virginia State Code and that type of activity is permitted as based on

the definition in the Code. She stated the County has not gotten a handle on whether the County has local authority to enact an Ordinance to require all citizens to keep their dog(s) confined within the boundaries of their personal property – she also asked V. R. Shackelford, III, County Attorney for any input on this concern.

V. R. Shackelford, III, County Attorney advised in the event the County was able to enact an Ordinance that requires citizens to keep their dog(s) on their own personal property, there will be issues that arise in determining where property lines are located this is easier to “say” than “prove” – he stated he was unaware of any localities that actually do this. He stated the citizen is not asking for a leash law although there are some areas that do have this law in defined subdivisions. He also stated the citizen appears to be asking if there is an enabling statute that allows a locality to act upon such an Ordinance which poses the question whether other Counties have done this.

In closing, V. R. Shackelford, III, County Attorney suggested that should Mr. O’Reilly find any such information to please pass it along to the attention of the County Attorney.

Mr. O’Reilly stated he has not researched the issue but will move forward on this issue. He also stated he feels he should be able to call Madison Animal Control when dogs are a nuisance and they should be able to come pick up the dog, but they cannot unless the dog has bitten someone.

V. R. Shackelford, III, County Attorney advised when the current Animal Control Ordinance was adopted the County also adopted the definition as developed by the Virginia State Code of an animal running at large.

Mr. O’Reilly stated he believed the County could adopt something that was more restrictive to pertain to animals running at large, to which V. R. Shackelford, III, County Attorney advised was not necessarily true as localities have to conform to the enabling statutes as mandated by the State.

Mr. O’Reilly stated one of the dogs was running at large in an area that contains a “No Trespassing” sign; he stressed the need for this issue to be resolved before more severe problems occur in the future.

Clark Powers asked if the dog in question leaving their personal property and entering the O’Reilly property, to which the citizens replied, “yes.”

After much discussion, Vice-Chairman, James L. Arrington asked Lisa Kelley, County Administrator and V. R. Shackelford, III, County Attorney to research these concerns and provide an update at the next meeting for Mr. O'Reilly.

James Hale was present and asked whether hedge located at the Administration building was going to be trimmed.

Ross Shifflett, Director of Facilities & Maintenance, advised the hedge is usually trimmed quarterly; however, he stated he would meet with maintenance staff and possible rotate the trimming scheduled.

**IN RE: RESOLUTION FOR BLUFF MOUNTAIN ROAD (State Route 615)**

Vice-Chairman, James L. Arrington stated a Resolution has been presented by the Virginia Department of Transportation for the Abandonment of Old Route 615 [Bluff Mountain Road] and the addition into the secondary system of the new [relocated] Route 615.

**RESOLUTION**

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated June 21, 2007 depicting the additions and abandonment's required in the secondary system of state highways as a result of Project 0615-056-7505, A03 which sketch is herein by reference.

WHEREAS, the new road serves the same citizens as served by those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE BE IT RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned pursuant to §Code of Virginia, and

**Type Change to the Secondary System of State Abandonment**

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

<b>Reason for Change:</b>	<b>VDOT Project</b>
Pursuant to Code of Virginia	§33.1-155

**Street Name and/or Route**

► **Bluff Mtn. Rd. State Route Number 615**  
Old Route Number: 615

- From: Rte 662  
To: 2.57 Mi. W. Rte. 662, a distance of: 2.57 miles.

NOW, THEREFORE BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 of the Code of Virginia, and

**Type Change to the Secondary System of State Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

**Reason for Change:**                      **VDOT Project**

Pursuant to Code of Virginia              §33.1-229

**Street Name and/or Route**

- **Bluff Mtn. Rd., State Route Number 615**  
Old Route Number: 615

- From: Rte 662  
To: 1.76 Mi. W. Rte. 662, a distance of 1.76 miles.

Right of Way width (feet) = 50. ft. Var.

- **Bluff Mtn. Rd., State Route Number 615**  
Old Route Number: 615

- From: 1.76 Mi. W. Rte. 662  
To: 2.35 Mi. W. Rte. 662, a distance of: 0.59 miles

Right of Way width (feet) = 50 ft. Var.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Resident Administrator for the Virginia Department of Transportation.

Adopted on the 10<sup>th</sup> day of July, 2007.

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James L. Arrington, Vice-Chairman  
Madison County Board of Supervisors

A Copy Teste:

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Lisa R. Kelley, County Administrator

On motion of William L. Crigler, seconded by Clark Powers, the Board approved the Resolution for The Abandonment of the old Route 615 (Bluff Mountain Road) and the addition into the secondary system of the new [relocated] Route 615, as presented by the Virginia Department of Transportation, with the following vote recorded:

	Aye	Nay	Abstain	Absent
Eddie Dean	_____	_____	_____	<u>  x  </u>
James L. Arrington	<u>  x  </u>	_____	_____	_____
William L. Crigler	<u>  x  </u>	_____	_____	_____
Bob Miller	<u>  x  </u>	_____	_____	_____
Clark Powers	<u>  x  </u>	_____	_____	_____

**IN RE: MALVERN SUBDIVISION (Proposal of Resolution)**

Vice-Chairman, James L. Arrington advised a Resolution has been presented to the Board Proposing that Malvern Subdivision streets be designated public highways for law enforcement purposes.

Vice-Chairman, James L. Arrington stated it has been noted there is a problem within the subdivision with speeding and the residents wish to allow the Madison Sheriff's Office to perform surveillance of the streets – this can only be accomplished by the streets being designated a “public highway.”

Lisa Kelley, County Administrator, advised each Board member has been provided some materials (to include Minutes from a Board meeting in 2005) which denotes this issue has been brought before the Madison County Board of Supervisors a couple of times during the past five (5) years; she advised for various reasons the request has not moved forward. She advised in order for the aforementioned request to move forward, the Board can adopt an Ordinance to designate streets within a subdivision of one hundred (100) or more lots as “highways” in order for County law enforcement to

impose fines; however, this will not result in the County being responsible for the maintenance of the “highways.”

Lisa Kelley, County Administrator, advised by reviewing past Minutes, there appear to have been concerns regarding the size of signage and this issue will need to be resolved by the residents of the subdivision and the Madison Sheriff's Department.

Lisa Kelley, County Administrator, stated she conversed with Lee Rees who works for the Culpeper Police Department, advised the Malvern Board of Directors has investigated the signage issue and there are no problems in the area (i.e. height/width meet state standards). She also advised the Board had concerns about the lack of having attained a signed Resolution from the Malvern Homeowners Association that documented the group wishes this law enforcement action rather than just some of the homeowners; however, although there is notation this issue was voted on in the past by the Malvern Homeowner's Association and documented in the form of a Resolution that was provided by V. R. Shackelford, III, County Attorney, no copy was ever returned to the County of Madison denoting such.

Lisa Kelley, County Administrator, advised the Board may proceed as they wish and that a Resolution was not necessary as the Board could adopt an Ordinance instead; however, she stated it appears in the past the County has required that a formal Resolution be presented from subdivisions in the past.

V. R. Shackelford, III, County Attorney provided further information and stated this situation first came to light in 2003 by Mr. Frank Sargeant - there were two (2) concerns presented that included the fact that a Resolution was not drawn up by the Malvern Club (not all Malvern residents were in favor of the request); therefore, a Resolution was prepared by V. R. Shackelford, III, County Attorney. Additional concerns presented pertained to the signage and that it was enforceable by local law enforcement.

V. R. Shackelford, III, County Attorney advised in 2005, the issue was represented once again by Mr. Bill Rowe – at that time the previously prepared Resolution was given to Mr. Rowe. He advised that a letter was received from Elliott DeJarnett, Attorney, who was representing the residents of the Malvern Homeowners Association at that time – the letter indicated the Resolution was adopted by the

Association in April 2005 although a signed copy was never forwarded to the County of Madison.

V. R. Shackelford, III, County Attorney advised that a signed Resolution has not been received in his office or forwarded to the Madison County Board of Supervisors. He advised the Board will need to decide whether to require a signed Resolution by the Malvern Club Inc; additionally, he advised the signage has been simplified during the past meeting of the General Assembly on Virginia Code Section 45.2-1307 which states “Such Ordinance may also provide for certification of road signs and speed limits by private licensed professional engineers using criteria developed by the Commonwealth Transportation Commissioner, and, for law enforcement purposes, such certification shall have the same effect as if certified by the Commonwealth Transportation Commissioner.” He stated if the County chooses to follow through with this issue, proper signage must be implemented – the expense of such signage must be passed onto the homeowners in the Malvern Subdivision.

V. R. Shackelford, III, County Attorney advised the State Code does not require a signed Resolution from the Malvern Homeowners Association; however, the Board will also need to discuss whether to request the discretionary language be incorporated into an Ordinance (if decided upon) to relate to proposed signage.

Bob Miller asked who is responsible to determining the speed limits in the Subdivision.

Lisa Kelley, County Administrator, advised to some extent, there are established standards in the Division of Motor Vehicle Code; although the usual speed limits in residential neighborhoods is 25 mph; however, there are also provisions that allow a deviation from the normal speed limit although certain procedures must be followed which will require an engineer to certify the deviation is necessary.

V. R. Shackelford, III, County Attorney further indicated there must be some determined criteria to warrant a reduction in speed based on the wording in the statute as previously read.

Ed Johnson, Malvern Subdivision resident and former Malvern Homeowners Association Board member, was present and stated that Lee Rees was unable to attend tonight’s meeting. He advised that he moved into the subdivision about

three (3) years ago; the current speed limit is 25 mph with signage posted. He stated there was a time when the Association discussed having a representative from the Virginia Department of Transportation look at the roads – they were told by the representatives that the roads could only be overseen by the Virginia Department of Transportation if a letter was received from 100% of the homeowners and this was not achieved. He stated the only thing the Malvern Homeowner's Association is asking for is that law enforcement be allowed to cite those individuals who are breaking the law on the roads in the subdivision. He advised there was a meeting of the Board members in the subdivision in April 2005 – a letter was written to V. R. Shackelford, III, County Attorney and a Resolution was recorded. He stated he had copies of said Resolution tonight and presented a copy to V. R. Shackelford, III, County Attorney, for review.

V. R. Shackelford, III, County Attorney, advised a clause (final sentence) that was included in the original document mailed to Elliott DeJarnette, Attorney, has been omitted from the documented shown at tonight's meeting – ["Adopted this \_\_\_\_ day of \_\_\_\_, 2005 by majority with the following vote recorded: of the Members and Board of Directors at an \_\_\_\_\_ meeting after due notice"].

V. R. Shackelford, III, County Attorney asked if there were minutes from a meeting held on April 30, 2005, to which Mr. Johnson provided.

Bob Miller advised he feels the suggestion for the adoption of a new Resolution by the Malvern Homeowner's Association is paramount because what the Board desires in the Resolution will indicate the homeowners understand, under the new Ordinance (at State level) will require the homeowners to have the signage and a study completed by a certified engineer to determine an appropriate speed in the subdivision. at a duly call meeting of the Malvern Homeowner's Association]. In closing, he stated he felt it would only be fair to be certain the homeowners fully understand the consequences of what will be done – there are new homeowners and state level requirements have changed with regard to Ordinances – he further suggested that a signed Resolution be executed by the Malvern Homeowner's Association and also reiterated the fact that signage must conform to Virginia Department of Transportation guidelines.



Mr. Johnson advised he believes there was mix communication in 2005 although there were recorded Minutes; he stated the Malvern Homeowner's Association meets twice annually although there has been a speeding problem for quite some time – he advised the residents are looking for a way to get things done and will follow through. He also advised there is a safety factor involved and is afraid someone will get hurt.

Bob Miller stated the Board wants to ensure the homeowners in Malvern Subdivision are treated in the same manner which is mandated under Virginia State law.

Mr. Johnson stated most of the streets in Madison County have a route number and feels an issue in this case is the lack of a route number on the roads in Malvern Subdivision.

Bob Miller stated the subdivision contains private roadways and the homeowners are asking for public services in the “private area.”

In closing, Edward Johnson advised the homeowners in Malvern Subdivision are Madison County citizens also and should receive the same services as other residents.

Clark Powers asked if there was any way to ease the burden for the residents of Malvern Subdivision to allow the Madison County Board of Supervisors to move forward on this issue.

V. R. Shackelford, III, County Attorney advised the issue is a burden for the homeowners to take a new vote; although he stated the signed Resolution contained some flaws (signatures in incorrect space and sentence missing about the duly held meeting) – additionally, the Resolution was not presented to the Madison County Board of Supervisors 2005; however, the Board must decide whether to attain a more current Resolution from the Malvern Homeowner's Association.

V. R. Shackelford, III, County Attorney also advised there are concerns regarding the State law mandating the responsibility for the cost of appropriate signage and speed limit designation can now be placed on the private property owners which was not in effect in 2003 or 2005; therefore, if the Board wants to be certain the homeowners are aware of this new responsibility, then a new Resolution should be requested, although current State Code does not require this document.

Clark Powers asked if the Malvern Homeowner's Association will need

a “letter of guidance” prior to returning to the Board with this request, to which V. R. Shackelford, III, County Attorney advised they will only need to be aware of the current State Code.

Lisa Kelley, County Administrator, stated if the Board desires to proceed without a new Resolution and accept the possibility the current document reflects what the current consensus would be, the Board could draft an Ordinance that includes the provision about the private certification, advertise it for a Public Hearing, and then the ultimate decision would depend upon the residents of Malvern Subdivision to ensure they get the word out to the homeowners that should the Ordinance be adopted, the residents will be responsible to provide funding for the responsibilities incurred by the Ordinance; however, she advised that a Resolution would be the most feasible solution to resolve the current situation and ensure the residents are aware of the future goal.

V. R. Shackelford, III, County Attorney stated the Minutes from the meeting of the Malvern Homeowner’s Association recorded a vote in April 2005 of (62) in favor and (8) against the proposal to incorporate the assistance of law enforcement in the subdivision.

Bob Miller suggested for the Madison County Board of Supervisors to ask the Board of Directors of the Malvern Homeowner’s Association to prepare a letter and Resolution to document their request and denote they are representing the membership of the subdivision as a whole (by vote) so as to ensure the residents fully understand they will be responsible for all costs associated with their request as established by the State Code.

Robert Finks verbalized concern that should law enforcement be allowed to write speeding citations in Malvern Subdivision and asked if an engineer would be required to certify the new speed limit.

V. R. Shackelford, III, County Attorney advised the engineer will have to certify the document speed and the signage meet all state criteria – the Ordinance will require these certifications; he also advised Mr. Johnson there will be some cost associated with these requests, to which he replied he understood and also stated the speed limit in the subdivision should be decreased to 15 mph.

James L. Arrington asked V. R. Shackelford, III, County Attorney, to provide a general summary of what will be needed from the Malvern Homeowner's Association.

V. R. Shackelford, III, County Attorney explained the Madison County Board of Supervisors will ask the Board of Directors of the Malvern Homeowner's Association to adopt a Resolution asking the County Board to approve what the Resolution will state (i.e. make Malvern Subdivision Road(s) a public road for law enforcement purposes) and that the Resolution should also include the following two (2) points:

- 1) The Board (Malvern Homeowner's Association) will notify the property owners in Malvern Subdivision of their (Board's) requests for the Madison County Board of Supervisors to take this action; and
2. The Board (Malvern Homeowner's Association) will acknowledge the Ordinance Will include the requirement for the professional certification referred to earlier (i.e. signage, criteria for reduced speed limit) [Virginia Code Section 46.2-1307]

In closing, V. R. Shackelford, III, County Attorney explained the legal procedures involved when the County must act on a proposed Ordinance; he advised the soonest the proposed Ordinance on this issue can be heard may be during the September meeting.

Mr. Johnson thanked V. R. Shackelford, III, County Attorney and the Madison County Board of Supervisors for their attention to this matter.

**IN RE: PROPOSED REVOLVING LOAN PROGRAM (Main Street Project)**

Lisa Kelley, County Administrator, stated as part of the grant funding the Town and County of Madison has received for the Madison Main Street Project, there has also been receipt of \$30,000.00 to set up a revolving loan program; the idea behind this program is to have some funding to be utilized as seed money to assist local businesses in helping them get established in town, set up business, and also hire certain employees. She advised in order to be eligible for this loan program, for every \$10,000.00 the County loans out, a business will have to show they have created one (1) job within their business for a person who came to their employment as a low or moderate income individual by HUD income standards. She advised document was

drafted after a similar program in another locality and has been reviewed by the State – she advised she initiated the revisions that are underlined in the document.

Lisa Kelley, County Administrator stated according to Elizabeth Boehringer, because the County is actually the grant recipient, the Madison County Board of Supervisors has to approve the program documents and will also have to approve a program income document which will need to be constructed as soon as possible and discussed after the Joint Meeting in August 2007.

In closing, Lisa Kelley, County Administrator, advised according to the State, as long as the County of Madison has these documents in development and are reasonably assured to be comfortable with the program that is being established, the County can proceed with establishing a loan committee, prepare to loan out the funds, and set the program up in order to have the funds disbursed by the grant deadline of August 25, 2007 – if the program isn't completely set up and funding loaned out by that date, the funds will revert back to the State of Virginia. She advised this is not “money out of pocket” but will be a small opportunity that will be lost should all aspects not be completed by the deadline.

Bill Gentry provided a brief summary of the benefits of the program with regard to the County and Town of Madison and the proposed funding is a small part of the total package which will involve a large amount of effort. He thanked V. R. Shackelford, III, County Attorney, and Lisa Kelley, County Administrator, for their assistance with the paperwork.

Bill Gentry advised there is currently one (1) individual who is deemed to be the recipient for the \$30,000.00 in grant funding. He also advised the grant funding is revolving and can be used perpetually. He explained the Committee to oversee the funding will require two (2) banker [currently, only one (1) member available] – he stated it has been determined that all financial issues pertaining to this program be handled by at least two (2) committee members with banking expertise – these individuals will also be most helpful in the event complications arise with an applicant who is unable to repay the loan amount. He stated that good security will be needed to ensure the grant funds are repaid; he also stated the long-term benefit will generate tax dollars for the County.

Vice-Chairman, James L. Arrington advised the Greater Madison Main Street Committee has requested the Loan Committee consist of Lisa Kelley, David C. Jones, Bill Gentry, Steve Grayson and Alma Lu Ayers.

Lisa Kelley, County Administrator, provided an overview of the Micro enterprise Loan Fund Program and advised the program will consist of \$30,000.00 which will be loaned out and repaid – once repayment is returned to the County, these additional funds can be re-loaned. She advised if all funding is repaid on schedule, the entire loan amount can be re-loaned and provide additional funding to loan to another applicant. She advised there is a requirement that any applicant who receives funding must create a certain number of jobs for \$10,000.00. She stated is a minimum of \$5,000.00 is loaned to an applicant, will this constitute a “half” or “full” job – according to the State if \$5,000.00 is loaned, a “whole” job must be created – if \$15,000.00 is loaned, two (2) “full” jobs must be created (i.e. one (1) job for every \$10,000.00 increment or portion thereof).

Lisa Kelley, County Administrator, stated there are a couple of issues regarding the Loan Committee: 1) There must be two (2) Bank representatives on the Committee (program requirement – therefore, another Banker must be secured to join the Committee. She advised the plan is to have the additional Banker stand proxy for the County Administrator; although the County Administrator still plans to assist, the County Administrator currently assists the County in the role of “Fiscal Agent” and feels she will not have the additional time that will be required to oversee the record keeping/accounting of funding incorporated with the Loan Program.

Lisa Kelley, County Administrator, also advised there are some conditions in the document that specify (page 2) “failure to create the required job(s) will result in default in the loan and cause the loan to be immediately payable.” She advised it will be necessary for an Attorney to assist the Loan Committee with setting up the appropriate loan documents as the County will need every resource available to oversee the loan (i.e. in the event of default). She advised the State will hold the County and applicant responsible for accounting for the funding in the event there is default of the loan.

Bob Miller verbalized concerns about the funding being given, with

stipulations, to the Greater Madison Main Street Project; he asked if the funding will be loaned out at three percent (3%) regardless of the current interest rate.

Lisa Kelley, County Administrator, stated that information was correct. She advised the County will be able to keep the interest on the loan as a form of reimbursement for the services that will be necessary with cover some of the administrative costs associated with the loan. She stated the County will have to approve the Program Income Plan which is the document that specifies how the loan repayment will be collected and re-loaned. She advised there is a part two (2) once the initial set up has been completed.

V. R. Shackelford, III, County Attorney, asked if a loan recipient defaults, will the County lose the funding to put in the revolving fund or will the County be responsible for repayment of the funds.

Lisa Kelley, County Administrator, advised if the County has \$30,000.00 to loan, the County will be responsible for regular collection of the principal and redirecting the funds back into the revolving fund; however, the funding must be accounted for (i.e. either by loan or sitting in a fund waiting to be loaned out) – the total funds must be accounted for at all times.

V. R. Shackelford, III, County Attorney feels if potential applicants will be required to have the cash at all times, this restriction will limit the pool of applicants.

Bob Miller explained the procedure of keeping two (2) separate accounts for the purpose of showing \$30,000.00 at all times (i.e. debt/revenue).

Lisa Kelley, County Administrator, stated there has also been discussion as to how to keep record of the exact number of jobs that will be established – she feels the document apparently places this responsibility onto the Loan Committee; however, she indicated the State feels it will be better to find an agency (i.e. Virginia Employment Commission) to serve this role as they have done in a number of other localities. She advised this will require the County to contact the VEC to request their assistance – this will require a separate Memorandum of Understanding that will outline what will be required of the VEC (i.e. keep record of the number of jobs produced from the Loan Program).

Bob Miller asked if data would indicate the total number of jobs created and sustained or just created.

Lisa Kelley, County Administrator, advised the requirement of the program is such that jobs must be created within eighteen (18) months of receiving the funding; however, she stated there is no specific requirement noted as to whether this documentation continues through any specific period of time. She advised it must be established that the individual hired is from low to moderate income level – she feels there is some criteria the VEC will utilize to certify creation of the job(s).

V. R. Shackelford, III, County Attorney, advised the “job” can also be for the owner/applicant.

Lisa Kelley, County Administrator, advised there will be a substantial amount of record keeping involved and will need to be provided by the Loan Committee – she stated as the program is being set up, there might not actually be a huge number of borrowers, but may actually be five (5).

Lisa Kelley, County Administrator, advised she has initial concerns about the appeals process linked to the Loan Program; she advised as the program documents were drafted the Madison County Board of Supervisors will be required to hear appeals concerning decisions made by the Loan Committee; she asked if the Board would be willing to do this or appoint a separate Appeals Board to handle such situations. It was advised there would be no problem with this approach.

Lisa Kelley, County Administrator, stated she inquired whether the County will be able to level out the number of appeals; however, it was denoted in the document that appeals would be handled in the following order:

1. Loan Committee
2. County Administrator
3. Madison County Board of Supervisors
4. State

Lisa Kelley, County Administrator, advised the Loan Program will be a great task to undertake as this must all be done by the end of August 2007; however, she feels that Bill Gentry and others who have been getting the details of the program have been diligent in their efforts.

Bill Gentry stated there is one (1) applicant who will receive the total funding from the Loan Program and advised the applicant is very reliable.

Lisa Kelley, County Administrator, advised the Board will need to take action on the Loan Program documents and the Loan Program Income Plan. She advised if the Board waits until the August 2007 meeting to act, there must be an assumption the Board will approve the program because the Loan Committee will need to get organized, complete loan documents, and have everything in order so the funding can immediately be loaned out to an applicant. She reiterated that if all items were not in order by August 25, 2007, all efforts will be in vain; therefore, she suggested the Board take action on the program document today – however, if the Board does not wish to move forward with approving the program, all efforts can be stopped.

V. R. Shackelford, III, County Attorney, asked if the entire amount of \$30,000.00 must be loaned out by the deadline of August 25, 2007; he also asked if the potential applicant was aware of all the new restrictions in conjunction with the Loan Program.

Bill Gentry stated the applicant is aware of the restrictions and all criteria pertaining to the number of employees that must be incurred based on the loan amount awarded.

V. R. Shackelford, III, County Attorney, advised he would hate to see the applicant withdraw from the program once so much effort has been put into moving forward with the Loan Program.

Bob Miller verbalized concerns about language contained in the document and whether the County will actually be loaning out \$30,000.00 to one (1) applicant before the end of August 2007 with no documentation for security or business plan – he advised there isn't a second Banker on the Loan Committee to date to make a recommendation on a loan; additionally, he asked if the applicant had a business plan document to provide today. In closing, he asked what would occur prior to actually loaning an applicant \$30,000.00.

Bill Gentry stated the applicant must meet all the requirements (i.e. credit approval, business plan, etc.); however, he stated based on the applicant's history, he did not feel the concerns raised will create a problem.



Bob Miller asked for some disclosure information pertaining to the amount of funding the applicant is requesting, to which Bill Gentry replied was “the full amount of \$30,000.00.”

Bob Miller stated he feels the Board should determine whether all the funding should be loaned to one (1) applicant for a period of ten (10) years which will tie up the funding for that amount of time with no principle being repaid as with normal amortization loans. He further stated there is much to be discussed and there will be a lot of paperwork to be completed.

V. R. Shackelford, III, County Attorney, advised some of the funding will be repaid to the County; he advised the first two (2) years will probably be interest payments only; he also strongly suggested the Board refrain from involving the VEC in this matter, if at all possible.

Bob Miller stated he was very hesitant to enter the program in such a rash manner and asked why the Board wasn't informed of this information brought to the attention of the Board earlier.

Bill Gentry advised this information was received and investigated in January; he stated this information was discussed by the Greater Madison Main Street Committee and thought to be an asset for the County by utilizing the \$30,000.00 in grant funding. He advised the applicant is a “quality” applicant and the funds will be put to good use with security being in place for the funding. He stated should there be another applicant within the next few years this will be investigated at that time.

Vice-Chairman, James L. Arrington advised the Board will only need to take action on the concept of establishing the Micro enterprise Loan Fund Program and not the details of the program.

Bob Miller stated there will be County staff put to work on the program once this document is adopted in order to meet the deadline.

Lisa Kelley, County Administrator, advised the Board will be voting to approve the program; however, in the program document, there is some level of detail (i.e. maximum length of time that a loan can be made out for) – if there are details in the document the Board is not comfortable with, she stated it would be appropriate for the Board to request changes within the document. She also encouraged the Board to

authorize the County Administrator and V. R. Shackelford, III, County Attorney, to incorporate changes as discussed earlier (i.e. appeals process, creating an appeals Board) for future implementation of the program.

Vice-Chairman, James L. Arrington asked if it was necessary for the Board to determine a time limit on the loan, determine whether the \$30,000.00 can be spread out, or place a cap on the loan, at tonight's meeting in order to approve the Loan Program.

Lisa Kelley, County Administrator, advised this can be done should the Board so desire; however, she advised the Loan Committee will be on designated as the primary group who will ensure the funding is being loaned out in a manner that will provide the safest and maximum return to the County. She advised \$30,000.00 is a lot of funding for economic development; however, if this amount is loaned to several persons in smaller amounts, it will be more difficult for the Loan Committee to create the required jobs and receive a maximum benefit for the funding.

Bob Miller further verbalized concerns over the fact the Board will be providing one applicant an \$30,000.00 loan with an advantageous rate; he indicated the County will be establishing a committee to oversee the process and also feels the County should perhaps double the amount of funding in the program during the next budget cycle if this venture goes well.

Vice-Chairman, James L. Arrington advised the program is being utilized as a means of increasing economic development within the Town of Madison; however, if the funding isn't utilized by August 25, 2007, it will be gone. He further indicated the Board must first approve the concept and then allow the appointed Loan Committee to work out the details to include the terms/guidelines with which the funding will be loaned out.

After discussion, on motion of Clark Powers, seconded by William L. Crigler, the Board approved the Downtown Business District Micro enterprise Loan Fund Program Agreement for the County of Madison, with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye

Clark Powers

Aye

## **DOWNTOWN BUSINESS DISTRICT MICROENTERPRISE LOAN FUND PROGRAM**

### **Downtown Micro enterprise Loan Fund**

#### Program Objectives

The County of Madison is committed to providing financial incentives to new businesses wishing to relocate within the CDBG project area boundaries. Exhibit 1 contains a map of the proposed project area. The County is prepared to offer financial assistance to businesses wishing to locate in the targeted area. The County believes that support in the form of financial incentives is critical to stimulating and sustaining a vibrant economic community. Madison has established the Downtown Micro enterprise Loan Fund to:

- Attract new business to the Downtown business district
- Provide financial assistance to reduce the turnover rate caused by failure of businesses due to inadequate start up capital

#### Program Description

The County of Madison has budgeted \$30,000 in Community Development Block Grant (CDBG) funds to create a revolving loan fund designed to encourage new businesses to locate in the downtown revitalization area [and to encourage existing businesses to expand](#). The minimum loan available through the program will be \$5,000 and the maximum will be the available funds. Loans will be limited to 50% of the total cost of the project with the owner providing a dollar for dollar match through a financial institution of private funds.

[Each borrower must create at least one job per \\$10,000 borrowed, to be filled by a lower-to-moderate-income person \(measured by HUD's current income guides for Madison County\). The LMI person may be the borrower. The required number of jobs must be created and filled within 18 months of receiving the loan.](#)

The term of the loan will be 3-10 years; the interest rate will be 3% Annual Percentage Rate (APR). Recaptured funds will be used to make additional loans through an approved program income plan. Loans will be available for the purchase of equipment and fixtures and associated installation costs, or any other federally-permitted business purpose. Operating expenses are not an eligible activity.

The Madison Loan Committee will be Lisa Kelley, David Jones, Bill Gentry, Steve Grayson and Emma Lou Ayres. The loan committee will have the flexibility to structure the loans for interest only payment for the first twenty-four (24) months of the loan. The amortization of principle and interest may begin at the end of the twenty-four month period, with an amortization period from 3-10 years at the discretion of the Loan Committee.

### Eligibility Requirements

Any business wishing to locate in Madison's Downtown District as defined in its CDBG downtown revitalization project area is eligible to apply for revolving loan funds.

To be eligible for a loan the business owner must commit to the creation of one job per \$10,000 borrowed, to be filled by a low-to-moderate-income (LMI) person, which can include the business owner.

For the business owner to receive credit for job creation, each potential employee must certify his/her present income and employment status prior to beginning the new job. The jobs required to obtain funding must be created and filled within 18 months of obtaining the loan. Failure to create the required jobs will constitute a default on the loan and will cause the loan to be immediately due and payable.

Additionally, the business owner must provide proof of his/her ability to secure financing, i.e. loan commitment for additional funding needed or letter of credit from a local bank.

### Application Process/Technical Assistance

The County of Madison will accept applications on a first-come first-serve basis. The first step will be to complete a pre-application identifying the owner, type of business, location of operation and sources of additional funding, and a credit report. All applicants are required to have a County of Madison business license. Personal guarantees may be required.

Upon preliminary approval, the applicant must submit a business plan. The County will provide technical assistance with business plan preparation upon request through the services of the Lord Fairfax Community College, Department of Workforce Services, 173 Skimisher Lane, Middletown, VA. The applicant must also provide proof that he/she has the financial resources to meet the approved match amount. Such proof will consist of bank statement, letter of commitment from a bank or from a bank or letter of credit.

The Madison Loan Committee will review the completed application package and make a final determination. The term of the loan will be 3-10 years at 3% APR with the option of a 2-year (24 month) interest only at the discretion of the loan committee.

### Private Investment Match Requirements

The size of the loan offered will not exceed 50% of the total cost of the proposed project with the owner providing a dollar for dollar match through a financial institution of private funds. The owner will be required to provide documentation to verify the match requirement has been met. The personal labor of the applicant to make site improvements will not be considered an eligible match expense.

### Program Time Frame

Loans will be available to qualified applicants from the time the program is adopted until funds are expended. Funds recaptured from the repayment of loans will be used to

continue the program per a program income plan to be approved by the County and the Virginia Department of Housing and Community Development (DHCD).

#### Loan Servicing

Loan Servicing will be by the County of Madison. Loans authorized by the loan committee will be issued by the County of Madison and then reimbursed by DHCD. Loan re-payments will be received by the County of Madison. Principal will be returned into the Loan Pool and the interest directed to the County of Madison to cover the cost of origination of the loan.

All loan repayments will be collected and disbursed as identified in the Program Income Plan.

An annual statement will be issued to each borrower.

As a condition of receiving a loan each borrower must agree to provide to the County of Madison, upon request, throughout the period in which the loan remains outstanding, such documentation of compliance with the eligibility and other requirements of this program as the County deems necessary to verify compliance with federal and state grant requirements.

#### Complaint Process

All written complaints and appeals *must* be addressed to the Loan Review Committee within fifteen (15) days of receipt and resolved within thirty (30) days. A response to all written complaints and appeals must be in writing and must include an explanation of the reason(s) for the decision reached, information on the next step in the appeals process and how many days from receipt of notice the complainant has to appeal any decision. The appeal should include a copy of all correspondence that has taken place to date. The appeal should identify the problem and the desired solution. As a part of the intake process, applicants will be informed that if their application is denied, they will be notified, in writing, of this decision and that they have fifteen (15) days from receipt of the notice to make a written appeal. The person and address to which a complaint should be addressed will be identified. If the complainant requires assistance in putting his or her complaint in writing, staff will make assistance available. The same is true for appeals.

Appeals of the Loan Review Committee's decision should be addressed to the County Administrator. Appeals of that decision should be addressed to Madison County Board of Supervisors. Final appeals should be addressed, in writing, to DHCD. At each step of the appeal, the person or group receiving the appeal will investigate the complaint and respond, in writing, in a timely manner. All involved parties will be copied.

#### Record-keeping Requirements

A copy of this Program Design and evidence of formal adoption by the Madison County Board of Supervisors will be kept in the grant project files, along with a copy of each executed loan, including the required closing documents.

The Madison Loan Review Committee will appoint a Secretary to be responsible for keeping the minutes of its meetings. The minutes will be archived in the grant project files.

The loan committee will also be responsible for tracking the information as required to ensure compliance with CDBG program requirements including data on the businesses submitting applications, businesses approved for financing, LMI beneficiary data, loan servicing, business viability and accounting records.

Documentation that loan proceeds are expended as proposed may be provided either through source documentation (such as invoices, construction contracts, etc.) or through an IPA statement.

All documentation will be kept on file at a secure location as required to ensure confidentiality of applicant information. Applicant information shall be maintained confidential to the fullest extent allowed by federal and state laws.

#### Conflict of Interest

No financial assistance can be provided to any person, or his/her immediate family, who has or had decision-making power in the CDBG program for Grant Agreement #02-43 from the time the applicant was planned, developed and submitted to DHCD to the grant's execution and implementation, without DHCD's prior express written approval. This includes any elected and appointed officials, employees of the grantee, and Loan Review Committee or Program Management Team members, in accordance with Virginia and federal conflict of interest requirements.

#### Amendment of the Program Design

During the implementation of the revolving loan program, the County of Madison may find it necessary to make minor changes and refinements to improve its effectiveness. If a major alteration to this design is deemed necessary to better achieve the intent of the program, it will submitted to DHCD for review and approval prior to adoption by the Madison County Board of Supervisors. The revolving loan program will be implemented in a manner consistent with equitable treatment to all program applicants and participants.

Approved on July 10<sup>th</sup>, 2007.

After discussion, on motion of Clark Powers, seconded by William L. Crigler, the aforementioned document was approved by the Board, with the following vote recorded:

	Aye	Nay	Abstain	Absent
Eddie Dean	_____	_____	_____	<u>  x  </u>
James L. Arrington	<u>  x  </u>	_____	_____	_____
William L. Crigler	<u>  x  </u>	_____	_____	_____
Bob Miller	<u>  x  </u>	_____	_____	_____
Clark Powers	<u>  x  </u>	_____	_____	_____

## **IN RE: INDUSTRIAL DEVELOPMENT BOARD APPOINTMENT(S)**

Lisa Kelley, County Administrator, advised the terms of five (5) members of the Madison County Industrial Development Authority have expired; she stated the files also indicate the terms to which the prior members were appointed are no longer staggered.

Lisa Kelley, County advised that four (4) of the prior members are willing to serve an additional term and one (1) prior members does not feel he can continue for another term. She also advised there have been letters received from two (2) citizens who are interested in serving on the IDA Board should the Board so desire.

V. R. Shackelford, III, County Attorney advised he has been contacted by Woodberry Forest School (applicant) and they desire to attain financing and will need to meet with the IDA Board. He stated although a formal application has not yet been presented, the “applicant” has completed an RFP which will be available mid month – after that time, they will line up a Bank and will probably come before the Madison County Board of Supervisors at the September 2007 meeting, He advised if the aforementioned schedule takes place without any complications, the application will go before the IDA in August.

V. R. Shackelford, III, County Attorney advised the terms have not remained staggered due to the infrequent meeting schedule of the IDA Board.

In closing, V. R. Shackelford, III, County Attorney advised that he adjusted the staggered terms that were initially established and developed a schedule in which every member’s term will expire on April 11, of succeeding years (i.e. existing and newly appointed members). He stated the Board will need to decide on a 7<sup>th</sup> member for the IDA Board – a Resolution has also been prepared to designate the newly staggered terms.

After discussion, on motion of William L. Crigler, seconded by Bob Miller, the Board adopted the Resolution as presented with IDA Board applicants, five (5) reappointed members and the appointment of Bill Price, with the following vote recorded:

Eddie Dean

Absent

James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

## RESOLUTION

Pursuant to Virginia Code Section 15.2-4904 (1950, as amended), it is hereby RESOLVED by the Board of Supervisors of Madison County, Virginia, that the following persons are appointed/reappointed as directors of the Industrial Development Authority of Madison County, Virginia, for terms expiring as set forth herein, to wit:

<u>Director</u>	<u>Term Expiration</u>
Edward M. Hughes	April 11, 2008
Dudley M. Pattie	April 11, 2008
James C. Graves	April 11, 2009
Paul D. Utz	April 11, 2010
Gary W. Frazier-Petty	April 11, 2010
Maxwell E. Lacy, Jr.	April 11, 2011
Bill Price	April 11, 2011

Adopted this 10<sup>th</sup> day of July, 2007.

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James L. Arrington, Vice-Chairman  
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
Eddie Dean	_____	_____	_____	<u>  x  </u>
James L. Arrington	<u>  x  </u>	_____	_____	_____
William L. Crigler	<u>  x  </u>	_____	_____	_____
Bob Miller	<u>  x  </u>	_____	_____	_____
Clark Powers	<u>  x  </u>	_____	_____	_____

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Lisa Kelley  
Madison County Administrator

### IN RE: PIEDMONT WORKFORCE NETWORK (Appointment of County Representative)

Lisa Kelley, County Administrator, advised a letter was received from the Piedmont Workforce Network Board requesting that Jerry Carpenter of Autumn Care,



Inc. of Madison County, Virginia be appointed to serve on their Board as the business representative for our locality with a term beginning July 1, 2007 through June 30, 2008.

After discussion, on motion of Bob Miller, seconded by William L. Crigler, the Board accepted the recommendation from the Piedmont Workforce Network to elect Jerry Carpenter of Autumn Care, Inc. as the business representative for Madison County with a term beginning July 1, 2007 through June 30, 2008, with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

#### **IN RE: DRAFT RESOLUTIONS (William Hale, III & Andrew Mank)**

Lisa Kelley, County Administrator, provided draft Resolutions for William Hale (Madison Electoral Board) and Andrew Mank (Capital Improvement Projects Coordinator) to recognize their many years of dedicated service to Madison County. She stated the Board had previously decided to invite both individuals, members of the Madison County Electoral Board and County Department Heads to attend a small reception following the July Board Workshop Meeting.

After discussion, on motion of William L. Crigler, seconded by Bob Miller, the Board approved the draft Resolutions as presented for the aforementioned individuals, with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

William L. Crigler also suggested that Fritz Brittain be invited to attend the reception although a Resolution was presented to him during the past month.

#### **IN RE: EAGLE SCOUT RESOLUTION (Matt Shilan)**

Lisa Kelley, County Administrator, advised the Board has received a request from Ms. Patsi Brummett to approve a Resolution from Boy Scout Troop #45 to honor Matt Shilan for achieving the Eagle Scout award.

Lisa Kelley, County Administrator, advised that she will draft a letter of congratulations on behalf of the Board and also suggested a copy of the Madison County, Virginia – A Revised History book be provided to the recipient.

After discussion, on motion of William L. Crigler, seconded by Bob Miller, the Board approved the Resolution as presented for Matt Shilan to acknowledge his accomplishment of attaining the Eagle Scout Award and also authorized Lisa Kelley, County Administrator, to draft a letter of congratulations, with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

### **RESOLUTION**

**"WHEREAS, MATT SHILAN,** Boy Scout with Troop-45 of Madison County, Virginia, did in July 2007, attain the rank of Eagle Scout from the Boy Scouts of America, the highest and most coveted rank in Scouting and thus achieving the goal for which a Scout works many years, an occasion for pride and joy, and a time for serious contemplation;

**AND WHEREAS, MATT SHILAN** has been an active member of Troop-45 of Madison County, Virginia, now serving as Senior Patrol Leader, and in serving his Troop he did foster and promote a continuity and purpose to the ideals of building character, training in leadership and the practice of service for his community as a Madison County Boy Scout in Troop-45, even through times when the Scouting program efforts in the county were at a standstill;

**AND WHEREAS, MATT SHILAN** as a person as well as a Boy Scout of Troop-45 in Madison County, Virginia, did express a sincere concern for his county and its citizens and did demonstrate an honest determination to live with honor, to be loyal and to be courageous, which are the obligations of the Eagle Scout;

**NOW, THEREFORE LET IT BE RESOLVED**, that the Madison County Board of Supervisors, by the adoption of this resolution express to **MATT SHILAN**, their heartfelt congratulations and appreciation for his unselfish devotion to his County and Troop in his efforts and convey to him, their hopes that he may now be able to enjoy the fruits of his labors in reaching his goal.

**LET IT BE FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Charter Organization of Boy Scout Troop-45 of Madison County, to wit: **The Madison County Lions Club**, at P.O. Box 750, Madison, Virginia 22727, so that this resolution can become a permanent part of the minutes of their business, be recorded therein, in recognition of the valuable service they provide in sponsoring Troop-45 of the Boy Scouts of American here in Madison County, Virginia.

**LET IT BE FURTHER RESOLVED**, that the Board of Supervisors for Madison County forward a copy of this resolution to the **Stonewall Jackson Area Council**, Boy Scouts of American, P.O. Box 813, Waynesboro, Virginia 22980, with the respectful request that they consider similarly recognizing one who has served them so well.

On motion of William L. Crigler, seconded by Bob Miller, and with the affirmative vote of the full Board, the Board of Supervisors for Madison County, Virginia, hereby concurs in said Resolution and further directs that said Resolution be incorporated in the minutes of the Board of Supervisors and that a copy be sent to **MATT SHILAN**, at 5365 W. Hoover Road, Reva, Virginia 22735.

Date: July 10, 2007

Lisa Kelley, County Administrator, advised that she will draft a letter of congratulations to Matt Shilan and include a copy of the book, Madison County, Virginia – A Revised History.

#### **IN RE: GRANT FUNDING**

Lisa Kelley, County Administrator, advised the County has been awarded \$350,000.00 in grant funding - \$200,000.00 was received in January 2007; she advised a meeting will be held with Town/County to determine how best to utilize these funds.

Bob Miller asked about the time frame in which the funds must be spent.

Lisa Kelley, County Administrator, advised there is not an intended deadline for spending these funds; however, should the grant funding be accepted and matching funds be provided, the County should have about two (2) years in which to spend the funds – she advised the grant requires matching funds of \$80,000.00 (cash).

# **IN RE: EXECUTIVE SESSION**

On motion of William L. Crigler, seconded by Bob Miller, the Board voted to go into Executive Session to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act – the subject and purpose falls within the following exemption: Real Estate Property, Section 2.2-3711 (A) (3) Pertaining to the Disposition of Criglersville Elementary School, with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

On motion of Bob Miller, seconded by William L. Crigler, the Board voted to go back into open session with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

On motion of Bob Miller, seconded by William L. Crigler, the Board took roll call to certify that nothing was discussed which was not authorized by the Code of Virginia and that the following Resolution is adopted with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

MOTION: William L. Crigler

RESOLUTION NO: 2007-11

SECOND: Bob Miller

MEETING DATE: July102007

## **CERTIFICATION OF EXECUTIVE MEETING**

WHEREAS, the Madison County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by the Madison County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Madison County Board of Supervisors.

### VOTE

AYES, James L. Arrington, William L. Crigler, Bob Miller, Clark Powers

ABSTAIN: None

NAYS: None

(For each nay vote, the substance of the departure from the requirements of the act should be described)

ABSENT DURING VOTE: Eddie Dean

ABSENT DURING MEETING: Eddie Dean

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Clerk/Secretary of the Madison County Board of Supervisors

No action was taken as a result of Executive Session.

On motion of William L. Crigler, seconded Bob Miller, Vice-Chairman,  
James L. Arrington recessed the meeting until 7:30 p.m.

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**7:30 P.M.: Meeting reconvened with Vice-Chairman, James L. Arrington calling the meeting to order.**

**IN RE: RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND  
AREA AGENCY ON AGING (RRCSB-AAA) FY 2008 PERFORMANCE  
CONTRACT W/THE DEPARTMENT OF MENTAL HEALTH, MENTAL  
RETARDATION AND SUBSTANCE ABUSE SERVICES AND THE AREA PLAN  
FOR AGING SERVICES 07-2008 BUDGET FOR MADISON COUNTY**

Brian Duncan, Executive Director of the Rappahannock-Rapidan Community Services Board was present and provided a full overview of the Resolution being presented tonight for adoption by the Madison County Board of Supervisors.

William L. Crigler asked how group homes for the mentally retarded were financed.

Brian Duncan stated the RRCSB rents six (6) homes that are financed through HUD's Residential Program; he stated the Agency is tax exempt and the RRCSB maintains each property. He further advised the properties ownership are non-profit, private entities and the exemption varies depending on the activities that take place in a particular facility.

Brian Duncan provided some highlights as to what services the RRCSB provides for some patients (i.e. physical/occupational therapy, drug abuse treatment, psychiatric care) and has implemented expansion of the residential program and tries to offer short-term services when possible.

Bob Miller asked how clients get incorporated in the Adult Day Care Program.

Brian Duncan stated that transportation is provided; the Agency is currently able to respond to all specific needs by increasing case management services and hiring a full-time psychiatrist.

Brian Duncan provided some highlights of the benefits of services provided to residents of Madison County; he also advised that \$1.5 million is utilized for payroll and several employees reside in Madison County; he further stated there are senior programs (i.e. Meals On Wheels) and there are high expectations for senior citizens in Culpeper, Orange and Madison Counties.

Brian Duncan provided the Board with a breakdown (by County) of aging services provided and stated about 25% of the citizens of Madison County receive such services; he stated that 99% of fees are paid by the Virginia Medicaid Program and workforce issues are a dominating factor that accounts for about 72% of the RRCSB's total budget.

Brian Duncan also provided a summary of the funding provided and stressed the RRCSB's commitment to fulfilling services.

William L. Crigler asked what other agencies does RRCSB work with, to which Brian Duncan indicated included Madison County Department of Social Services, the Family Assessment & Planning Team (FAPT) and the Comprehensive Services Act (CSA), law enforcement, probation, Courts, Health Department, Skyline CAP and Madison County Schools.

After discussion, on motion of Bob Miller, seconded by William L. Crigler, the Board adopted the Resolution as presented for the Rappahannock Rapidan Community Services Board and the Area on Aging FY 2008 Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Area Plan for Aging Services, with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

## **RESOLUTION**

### **A RESOLUTION TO RECEIVE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND AREA AGENCY ON AGING (RRCSB-AAA) FY 2008 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES AND THE AREA PLAN FOR AGING SERVICES**

WHEREAS, in June 2007, the RRCSB-AAA adopted its Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services, and its Area Plan for Aging Services with the Department of Aging; and

WHEREAS, the Madison County Board of Supervisors has received a request from the RRCSB-AAA that it endorse the Contract and Plan by either approving both documents or acknowledging that the Board of Supervisors participated in the review process and has no further additional comments; now, therefore, be it

RESOLVED, by the Madison County Board of Supervisors this 10<sup>th</sup> day of July, 2007, that the Madison County Board of Supervisors does hereby receive the FY 2008 RRCSB-AAA with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the 2008 Area Plan for Aging Services, and acknowledges that the Madison County Board of Supervisors participated in the review process and has no additional comments regarding the Contract or Plan.

Adopted this 10<sup>th</sup> day of July, 2007.

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James L. Arrington, Vice-Chairman  
Madison County Board of Supervisors

**IN RE: MINUTES**

Vice-Chairman, James L. Arrington stated the Board needed to approve Minutes #22, #23, #24, and #25.

After discussion, on motion of Clark Powers, seconded by Bob Miller, Minutes #22, #23 and #24 are approved as presented and #25 are approved as amended and spread in Minute Book #15, page      through      , with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

With no further action being required by the Board, on motion of William L. Crigler, seconded by Clark Powers, Vice-Chairman, James L. Arrington adjourned the meeting, with the following vote recorded:

Eddie Dean	Absent
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

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James L. Arrington Vice-Chairman

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Lisa R. Kelley, County Administrator

Date: July 11, 2007

Copies: Eddie Dean, James L. Arrington, William L. Crigler, Bob Miller, Clark Powers,  
V. R. Shackelford, III & Constitutional Officers

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